

**A-Engrossed**  
**Senate Bill 154**

Ordered by the Senate May 7  
Including Senate Amendments dated May 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that residence in residential program for primary purpose of receiving care, treatment, training or support due to disability or dependency is not subject to landlord-tenant laws.

Changes standard for disqualifying certain residence and occupancy arrangements from landlord-tenant law exemption.

**A BILL FOR AN ACT**

1  
2 Relating to landlord-tenant law; amending ORS 90.110, 90.243, 91.120 and 91.130.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 90.110 is amended to read:

5 90.110. Unless created to avoid the application of this chapter, the following arrangements are  
6 not governed by this chapter:

7 (1) Residence at an institution, public or private, if incidental to detention or the provision of  
8 medical, geriatric, educational, counseling, religious or similar service, but not including residence  
9 in off-campus nondormitory housing.

10 **(2) Residence in a Department of Human Services licensed program, facility or home de-**  
11 **scribed in ORS 430.306 to 430.375, 430.380, 430.385, 430.395, 430.397 to 430.401, 430.405 to 430.565,**  
12 **430.570, 430.590, 443.400 to 443.455 or 443.705 to 443.825.**

13 [(2)] (3) Occupancy of a dwelling unit for no more than 90 days by a purchaser prior to the  
14 scheduled closing of a real estate sale or by a seller following the closing of a sale, in either case  
15 as permitted under the terms of an agreement for sale of a dwelling unit or the property of which  
16 it is a part. The occupancy by a purchaser or seller described in this subsection may be terminated  
17 only pursuant to ORS 91.130. A tenant who holds but has not exercised an option to purchase the  
18 dwelling unit is not a purchaser for purposes of this subsection.

19 [(3)] (4) Occupancy by a member of a fraternal or social organization in the portion of a struc-  
20 ture operated for the benefit of the organization.

21 [(4)] (5) Transient occupancy in a hotel or motel.

22 [(5)] (6) Occupancy by a squatter.

23 [(6)] (7) Vacation occupancy.

24 [(7)] (8) Occupancy by an employee of a landlord whose right to occupancy is conditional upon  
25 employment in and about the premises. However, the occupancy by an employee as described in this  
26 subsection may be terminated only pursuant to ORS 91.120.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1        [(8)] (9) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a  
2 cooperative.

3        [(9)] (10) Occupancy under a rental agreement covering premises used by the occupant primarily  
4 for agricultural purposes.

5        **SECTION 2.** ORS 90.243 is amended to read:

6        90.243. (1) A dwelling unit qualifies as drug and alcohol free housing if:

7        (a)(A) For premises consisting of more than eight dwelling units, the dwelling unit is one of at  
8 least eight contiguous dwelling units on the premises that are designated by the landlord as drug  
9 and alcohol free housing dwelling units and that are each occupied or held for occupancy by at least  
10 one tenant who is a recovering alcoholic or drug addict and is participating in a program of re-  
11 covery; or

12        (B) For premises consisting of eight or fewer dwelling units, the dwelling unit is one of at least  
13 four contiguous dwelling units on the premises that are designated by the landlord as drug and al-  
14cohol free housing dwelling units and that are each occupied or held for occupancy by at least one  
15 tenant who is a recovering alcoholic or drug addict and is participating in a program of recovery;

16        (b) The landlord is a nonprofit corporation incorporated pursuant to ORS chapter 65 or a  
17 housing authority created pursuant to ORS 456.055 to 456.235;

18        (c) The landlord provides for the designated drug and alcohol free housing dwelling units:

19        (A) A drug and alcohol free environment, covering all tenants, employees, staff, agents of the  
20 landlord and guests;

21        (B) Monitoring of the tenants for compliance with the requirements described in paragraph (d)  
22 of this subsection;

23        (C) Individual and group support for recovery; and

24        (D) Access to a specified program of recovery; and

25        (d) The rental agreement for the designated drug and alcohol free housing dwelling unit is in  
26 writing and includes the following provisions:

27        (A) That the dwelling unit is designated by the landlord as a drug and alcohol free housing  
28 dwelling unit;

29        (B) That the tenant may not use, possess or share alcohol, illegal drugs, controlled substances  
30 or prescription drugs without a medical prescription, either on or off the premises;

31        (C) That the tenant may not allow the tenant's guests to use, possess or share alcohol, illegal  
32 drugs, controlled substances or prescription drugs without a medical prescription, on the premises;

33        (D) That the tenant shall participate in a program of recovery, which specific program is de-  
34 scribed in the rental agreement;

35        (E) That on at least a quarterly basis the tenant shall provide written verification from the  
36 tenant's program of recovery that the tenant is participating in the program of recovery and that  
37 the tenant has not used alcohol or illegal drugs;

38        (F) That the landlord has the right to require the tenant to take a test for drug or alcohol usage  
39 promptly and at the landlord's discretion and expense; and

40        (G) That the landlord has the right to terminate the tenant's tenancy in the drug and alcohol  
41 free housing under ORS 90.392, 90.398 or 90.630 for noncompliance with the requirements described  
42 in this paragraph.

43        (2) A dwelling unit qualifies as drug and alcohol free housing despite the premises not having  
44 the minimum number of qualified dwelling units required by subsection (1)(a) of this section if:

45        (a) The premises are occupied but have not previously qualified as drug and alcohol free hous-

1 ing;

2 (b) The landlord designates certain dwelling units on the premises as drug and alcohol free  
3 dwelling units;

4 (c) The number of designated drug and alcohol free housing dwelling units meets the require-  
5 ment of subsection (1)(a) of this section;

6 (d) When each designated dwelling unit becomes vacant, the landlord rents that dwelling unit  
7 to, or holds that dwelling unit for occupancy by, at least one tenant who is a recovering alcoholic  
8 or drug addict and is participating in a program of recovery and the landlord meets the other re-  
9 quirements of subsection (1) of this section; and

10 (e) The dwelling unit is one of the designated drug and alcohol free housing dwelling units.

11 **(3) A dwelling unit qualifies as drug and alcohol free housing if located in a self-run group**  
12 **recovery home that has shared living facilities and meets the description of a group home**  
13 **under 42 U.S.C. 300x-25.**

14 [(3)] (4) The failure by a tenant to take a test for drug or alcohol usage as requested by the  
15 landlord pursuant to subsection (1)(d)(F) of this section may be considered evidence of drug or al-  
16 cohol use.

17 [(4)] (5) As used in this section, “program of recovery” means a verifiable program of counseling  
18 and rehabilitation treatment services, including a written plan, to assist recovering alcoholics or  
19 drug addicts to recover from their addiction to alcohol or illegal drugs while living in drug and al-  
20 cohol free housing. A “program of recovery” includes Alcoholics Anonymous, Narcotics Anonymous  
21 and similar programs.

22 **SECTION 3.** ORS 91.120 is amended to read:

23 91.120. An employee described in ORS 90.110 [(7)] (8) may only be evicted pursuant to ORS  
24 105.105 to 105.168 after at least 24 hours’ written notice of the termination of employment or a no-  
25 tice period set forth in a written employment contract, whichever is longer. This section does not  
26 create the relationship of landlord and tenant between a landlord and such employee.

27 **SECTION 4.** ORS 91.130 is amended to read:

28 91.130. A dwelling unit purchaser or seller described in ORS 90.110 [(2)] (3) may only be evicted  
29 pursuant to ORS 105.105 to 105.168 after at least 24 hours’ written notice of the termination of the  
30 occupancy or a notice period set forth in a written agreement of sale, whichever is longer. This  
31 section does not create the relationship of landlord and tenant between the seller and purchaser.

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